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ABSTRACT

This information leaflet provides local governments with guidelines and suggestions for writing an ordinance, resolution, or local law to establish a records management program. Such a program is an over-arching, continuing, administrative effort which manages recorded information from initial creation to final disposition. It includes systematically disposing of obsolete records; setting up filing and indexing systems; using modern computer technology in information creation, manipulation, and storage; storing inactive records securely and cost efficiently; microfilming selected paper records for security, ease of access, space consideration, and preservation of important information; overseeing the creating and use of forms, correspondence, and other records; and identifying, appraising, and preserving records of archival value. The advantages of a records management program are described, and benefits of records management legislation are discussed. Suggestions are provided for the components of records legislation, including program statement, objectives, elements, and responsibility. The State Archives and Records Administration contact address and telephone number for further information are listed. (DB)

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Records Legislation for Local Governments

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BASIC RECORDS MANAGEMENT
FOR LOCAL GOVERNMENT

Records Legislation for Local Governments

1991

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Introduction

This information leaflet provides local governments with guidelines and suggestions for writing an ordinance, resolution, or local law to establish a records management program. A records management program is an overarching, continuing, administrative effort that manages recorded information from initial creation to final disposition. It includes systematically disposing of obsolete records; setting up filing and indexing systems; using modern computer technology in information creation, manipulation, and storage; storing inactive records securely and cost efficiently; microfilming selected paper records for security, ease of access, space consideration, and preservation of important information; overseeing the creation and use of forms, correspondence, and other records; and identifying, appraising, and preserving records of archival value.

Advantages of a Records Management Program

Records document policies, decisions, and alternatives, and provide continuity with past operations. They illustrate the evolution of government and its services such as law enforcement, health care, and public works. Records reflect the interaction between government and individuals, document governmental activities, and protect the

rights of citizens. Good record keeping ensures open government, which promotes more confidence in public officials and greater accountability in the use of public funds.

Programs to manage records provide several advantages for local government. They save government resources and, in turn, taxpayers' money. They ensure that files and records are systematically arranged in such a way that minimal staff time is spent in costly searches for valuable information. They assist with the identification, retention, and availability of permanently valuable records.

An exemplary records management program is one that is anchored in enabling legislation. Such legislation firmly establishes the government's lasting commitment to an ongoing systematic records program, and provides a firm legal basis by which the records program may operate.

Benefits of Records Management Legislation

A records management program can and should be an important part of local government. To effectively organize and operate such a program, local legislation is essential. Legislation creating a records management program carries with it a number of benefits for government. Such legislation:

- encourages development of a strong program. The strongest efforts in New York and elsewhere in the nation are based on ordinances, resolutions, or local laws, thus indicating that a records management program is a necessary governmental function.
- ensures that records management is an ongoing program and not just a one-time, temporary reaction to records problems. That is, records management is a continuing administrative function of government and not just a periodic housekeeping operation. Enacting legislation establishes the government's lasting commitment to the program and enhances the program's credibility.
- provides a clear, legal basis for actions pertaining to

records, and a clear definition of who is responsible for the varying aspects of the records management program.

- demonstrates to all government employees the commitment to, as well as the significance and legal basis of, the records program.
- shows the public and taxpayers the serious intent of the local government to maintain a continuing records management effort.

Writing Records Legislation

No prescribed format or uniform content exists for records ordinances, but the legislation should be clear and sufficiently detailed for the purposes it intends to accomplish. It will be necessary to consult with the local government's counsel throughout the process of drafting the records legislation. The staff of the SARA Local Government Records Bureau can provide advice about the content and elements that should be included in the legislation. Copies of records legislation developed in New York are available from the Local Government Records Bureau.

Suggested Components of Records Legislation

Listed here are several essential components to include in the legislation. Inclusion of these elements provides a clear understanding of legislative intent and program content.

Program statement. An initial statement should be included in the legislation establishing the records program, including text affirming it to be a continuing administrative function of government. It should state very clearly that it is the responsibility of all government employees to contribute to the accomplishment of the program objectives.

Program objectives. The objectives of the program should be at least to:

a. Facilitate the creation of usable records containing accurate and complete information.

b. Save tax dollars through efficient administration of information resources.

c. Prevent the creation of unnecessary records.

d. Make recorded information available and readily accessible when needed, thereby minimizing time spent searching for files and documents.

e. Ensure the systematic legal disposition of obsolete records.

f. Encourage the lasting survival of archival records — those identified as having sufficient legal, administrative, fiscal, or historical value to warrant their permanent retention.

Program Responsibility. The legislation must have a statement clarifying the administrative placement of the program. Will the records management program be placed under the aegis of the mayor or supervisor? the county clerk? The legislation should clearly identify who will be responsible for the program. It should also spell out the records-related duties and responsibilities of department heads and other employees as appropriate.

Definitions. Definitions are a key component of the legislation. Of particular interest is a definition of *records* that are to be covered by the legislation. One possibility is to use the definition in Section 57.17 of the Arts and Cultural Affairs Law. However written, this definition should be broad enough to include all records, regardless of physical form or characteristic. Other definitions may include the terms retention period, records retention and disposition schedule, records management officer, records advisory board, and archival records. These and other definitions should follow, or at least be compatible with, definitions in the Arts and Cultural Affairs Law and Regulations of the Commissioner of Education.

Program elements. Essential program elements must be set forth within the legislation. The general elements of a records management/archival administration program include:

a. surveying existing records to determine which ones may be transferred to inactive storage. Inactive storage is for those records no longer required for the conduct of current business, but whose retention periods have not expired. A survey will determine which records are worthy of permanent retention as well as those obsolete records which may be disposed of. Guidelines and procedures governing the disposition of records are listed in State Archives' Records Retention and Disposition Schedules. The legislation should include a statement indicating that the records program will adhere strictly to the Archives' Schedules.

b. planning for the use of modern technology, including computers and microfilm, which can be a great benefit to the local government. An assessment of office requirements is an important aspect of planning for technological advances. Not every government will benefit from automation in the same way. The size and financial situation of the local government must be taken into consideration.

c. organizing files and records so that pertinent information can be readily retrieved by officials or the public. Information should be indexed, described, and accessible.

d. developing procedures regarding records management and archival practices. An internal procedures manual for use by all office personnel should be developed to provide guidelines for the handling of records, including how they are filed, where they are located, whether or not indices exist, and when inactive records may be removed from the office.

Records Management Officer. Another important aspect of the local government records legislation is provision for the Records Management Officer and definition of duties for the position. Designation of a records officer allows for the coordination of the program and the development of an integrated records management system. The position of Records Management Officer should be specified in the legislation and given responsibility and authori-

ty to work with other local officials at all levels in the development and maintenance of the records management program. **Note: Section 57.19 of the Local Government Records Law requires local governments to designate a Records Management Officer and outlines his/her responsibilities.**

Records Advisory Board. Creation of a Records Advisory Board and designation of its role in a records management program should also be provided for in the legislation. Support by the Records Advisory Board is particularly crucial when the records program is in its initial stages. The advice of key people selected from throughout the local government can make the difference in the degree of success the records program attains.

Records Management Plan. The legislation should authorize the development of both long- and short-term records management plans to guide development and operation of the records management program. Planning is important because it enables managers to establish direction and control, ensures that everyone involved had a common understanding of program purposes and goals, permits effective marshaling of resources, and helps ensure that the program proceeds smoothly.

Records Disposal Approval Process. The legislation should, if possible, indicate which local government officials must provide approval before records are destroyed and make provision that a list of all records destroyed be entered periodically into the minutes of the governing body or otherwise be permanently recorded.

More Information

The State Archives and Records Administration has additional leaflets on topics such as the role of the Records Management Officer and the Records Advisory Board in the records management program.

The Local Government Records Bureau is charged with providing advisory services to all local governments in the State with the exception of New York City. Services include publications, articles, presentations, and records retention and disposition schedules, as well as advice about microfilming, storage facilities, and automation. For further information, please contact:

Local Government Records Bureau (SARA)
Room 10A63 CEC
Albany, NY 12230
(518) 474-6926

New York State Archives and Records Administration
Local Government Records Bureau
The State Education Department
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